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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,156	08/25/2001	Albert Sullivan		6317

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EXAMINER
NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,156	SULLIVAN, ALBERT	
	Examiner	Art Unit	
	Tran N. Nguyen	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *25 October 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 10/25/02 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The ***original disclosure*** *does not support the showing of an alternator, or a generator, DC/AC converter, battery.*

Specification

The amendment filed 10/25/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure.

35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention.

The added material which is not supported by the original disclosure is as follows: an alternator—or a generator— a DC/AC converter, a battery.

The original disclosure simply discloses *"the invention uses an electrically driven motor. Previous generators use a gas motor."* Thus, there were not any discussions about the invention incorporating an alternator, or a generator, DC/AC converter, battery, in the original disclosure. These newly disclosed components are considered new matters, which are not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

The following is a quotation of 37 CFR 1.71(a)-(c):

> The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture,

composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

The specification is objected to under 37 CFR 1.71 (a-c) because the specification fails to provide a clear description of how the device works.

It appears that the invention relates to a self sustainable electrical system, i.e., a system that does not depend upon an external source of energy for operation, having an alternator/generator to produce power that may be converted into an appropriate type of current via a DC/AC converter, then in turn the current would partially used for powering the motor and partially used for other electrical or mechanical applications. According to the figure, it appears that the claimed invention is an energy circle that is looping among the generator/alternator, the motor and the battery. The claimed invention is disclosed to have a motor drives a generator/alternator to generate electric output power, which is in turn looped back to energize the motor. This invention would not work, if not simply remains a wishful thinking, because the design of such machine was conveniently neglected electrical resistance and frictional loses. Furthermore, the applicant states that "this invention is not dependent upon an external source of energy for operation" (Remark page 3) which means the machine has self-sustainability, or in other words, the machine is claimed to generate its own energy without any external power supply. Such machines are known as perpetual motion machines, which will not work. They violate either the First or Second Law of Thermodynamics.

It is the policy of the U.S. Patent and Trademark Office to require a working model to be provided before a patent can be granted for perpetual motion machines. The applicant needs to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-4 are rejected under 35 U.S.C. 101 because the specification indicates that what the applicant trying to patent is a perpetual motion machine (See reasons in the above objection to the Spec).

The applicant must provide a working model of the disclosed invention before the application can be further examined unless the applicant is able to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under **35 U.S.C. 112, first paragraph**, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-4 are rejected under **35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "the use of any electrically driven motor to generate power". The claimed subject matter is a motor, not a generator.

Therefore, claims 2-4 recite "any generator as described in claim 1" is indefinite because it is unclear the so-called "power supply" (as in claim 2) and the "charging circuit" (as in claim 3) are the internal components or an external components with respect to the machine. If the first were true, then the claimed machine is a perpetual motion machine, which as stated above would not work. If the later is true, then claims 2-3 contradict with the specification and the applicant' remark because the specification, as well as the applicant's Remark, states that the machine does **not** depends upon external source of energy but rather having self sustainability, or in other words, the machine is claimed to generate its own energy without any external power supply.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

Tran N. Nguyen
Primary Examiner
Art Unit 2834

November 19, 2002